

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE**

JESSICA JONES et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC et al.,

Defendants.

**Civ. Action No. 2:20-cv-02892**

**DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY OF JEN MAKI, PHD**

Defendants Varsity Brands, LLC; Varsity Spirit, LLC; and Varsity Spirit Fashions & Supplies, LLC; U.S. All Star Federation, USA Sport Cheering, d/b/a USA Cheer; Charlesbank Capital Partners, LLC; Bain Capital Private Equity LP; and Jeff Webb (collectively, "Defendants"), through their undersigned counsel, and pursuant to Federal Rules of Civil Procedure 702 and 403, hereby move this Court to exclude the proffered testimony of Plaintiffs' proposed expert witness, Jen Maki, PhD. This motion is based on Defendants' Memorandum of Law in support of the Motion, the materials and legal precedent cited therein, and such other materials that the Court chooses to consider.

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in Defendants' Memorandum of Law in Support, filed contemporaneously herewith, Defendants respectfully request that the Court exclude Dr. Maki's testimony in its entirety.

Dated: February 10, 2023

Respectfully submitted,

/s Matthew S. Mulqueen

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**CERTIFICATE OF CONSULTATION**

Counsel for Defendants hereby certify that they consulted with counsel for Plaintiffs on February 10, 2023, via electronic mail to determine whether Plaintiffs oppose the relief sought in this Motion. Defendants understand that Plaintiffs oppose the relief requested in this Motion.

/s Matthew S. Mulqueen

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